

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

MASTR Asset Backed Securities Trust  
2006-HE3, by U.S. Bank National  
Association, solely in its Capacity as the  
Trustee pursuant to a Pooling and  
Servicing Agreement, dated as of August 1,  
2006,

Plaintiff,

v.

WMC Mortgage Corporation and EquiFirst  
Corporation,

Defendants.

Case No. 11-2542 (PAM/TNL)

**DEFENDANT WMC'S  
MOTION TO DISMISS**

Defendant WMC Mortgage Corporation ("WMC") moves the Court to dismiss the Complaint with prejudice under Federal Rule of Civil Procedure 12(b)(6) for failing to state a claim upon which relief can be granted. WMC will separately file a notice of hearing, memorandum of law, exhibits, and proposed order in support of this motion, consistent with District of Minnesota Local Rule 7.1(b). This motion is based on all the files, pleadings, and records in this case, as well as the memorandum of law, all affidavits and exhibits, and the proposed order, to be filed at least 42 days prior to the hearing pursuant to Local Rule 7.1.

Dated: October 28, 2011

**GREENE ESPEL P.L.L.P.**

s/ Jenny Gassman-Pines

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Corporation